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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,202	03/29/2004	Daniel J. Lipscomb	048679-0157	1384

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EXAMINER

JACYNA, J CASIMER

ART UNIT PAPER NUMBER

3751

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/812,202

Applicant(s)

LIPSCOMB ET AL.

Examiner

J. Casimer Jacyna

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-12, 14-23 and 25-30 is/are rejected.
- 7) ☒ Claim(s) 5-7, 13 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10132005</u> . | 6) <input checked="" type="checkbox"/> Other: <u>IDS of 08172005</u> . |

Art Unit: 3751

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 16-18, 22, 23, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Hidding (3,042,067). Hidding discloses a flow regulating apparatus for hose 28 including a body 26, a hook shaped curved portion 24, an end opening 36, with the inside surface of hook 24 forming a passage that receives the hose, a rotatable valve 30, with first, second and a plurality of intermediate positions as decided by turning the knob 22 and threading the mechanism 30 up and down, wherein the end face of the bolt 30 contacts the tube, performs the function of a clamp and constitutes a clamp as claimed.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 8-12, 14, 15, 19-21 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hidding (3,042,067) in view of Wall (3,410,517), Forcier (636,971), Ray (4,257,446) and Edwards et al. (4,787,406). Hidding discloses a flow regulating apparatus for tube 28 including a housing 26, a hook shaped curved portion 24, an end opening 36, with the inside surface of hook 24 forming a passage that receives the tube, a rotatable adjustment mechanism 30, with first, second and a

Art Unit: 3751

plurality of intermediate positions as decided by turning the knob 22 and threading the mechanism 30 up and down, wherein the adjustment mechanism engages the tube substantially as claimed. Hidding does not disclose a stopper coupled to the adjustment mechanism. However, Wall, Forcier, Ray and Edwards teach other tube clamps with threaded, rotatable adjustment mechanisms attached to the housing and show that it is generally well known in the art to have a stopper coupled to the adjustment mechanism for the purpose of providing a contoured pinching mechanism for contacting the tube that matches the round shape of the tube and is less likely to damage the tube.

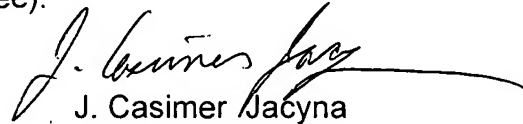
Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the adjustment mechanism of Hidding with a coupled stopper as, for example, taught by Wall, Forcier, Ray and Edwards in order to provide a contoured pinching mechanism for contacting the tube that matches the round shape of the tube and is less likely to damage the tube.

5. Claims 5-7, 13 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Casimer Jacyna whose telephone number is 571-272-4889. The examiner can normally be reached on Wed. thru Fri. 9AM-7PM, Mon. 7AM-1PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 703-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


J. Casimer Jacyna
Primary Examiner
Art Unit 3751

JCJ